1890-009 Chancery Causes: Gdn. of Alice Chadwell & by vs. Charles Thomas & Lee Co.

Burchett, Harber, Carmony, Mink, Ayers, Morgan, Boles, Rawland

-Deed

CA- Estate Dispute
T- Property

To the Hon. John A. Kilby Judge of the Circuit Court of Lee County Virginia:

Your Orator G. B. Burchett guardian for Alice Chadwell, wife of W. Chadwell; Charles Thomas[2] John Thomas[3] infant children & heirs at law of One Joseph Thomas deceased, Humbly complaining would respectfully shew unto your Hon. that the said Joseph Thomas departed this life intestate in said county on the day of August 1884 leaving a widow Elizabeth Thomas surviving him, and the following children his heirs at law, in addition to your Orators wards to wit Nancy Thomas[4] who intermarried with Ewell Harber, Catharine Thomas[5] who married Vincent Bowling, Antoinette Thomas[5], who married Hiram Mink, Ellen Thomas[5] who married Joseph Ayers, and Mary E. Thomas[5] who is unmarried,

Your Orators ward Alice Thomas intermarried with one William Chadwell but is still an infant under the age of 21 years.

Your Orator states that a few years before his death the said Joseph Thomas purchased about 4 or 5 acres of land with a water grist Mill thereon situated lying in said county of Lee, on Indian Creek about 25 Miles west of the court house, and is known in the Neighborhood as Chadwells "Old Mill" And but a short time before his death the said Thomas purchased a Saw Mill complete and brought the same to this county for the purpose of attaching it to his grist Mill and running it with the same water power

And by a contract subsequently made between said Joseph Thomas and his Son in law, Ezell Harber, the latter was to do work in erecting said Saw Mill and fitting it for running, equal in value to the cost of said Saw Mill and when that was done said Thomas & Harber were to be equal partners owners of said "Saw Mill" and pursuant to that agreement said Harber did do work and render labor in erecting and preparing said saw Mill ready for work, equal in value to the original cost thereof and thereby said Thomas & Harber became the joint and equal owners of said saw Mill"

Your Orator now states that at the death of said Joseph Thomas, the undivided half of said Saw-Mill, the entire grist Mill together with the 4.4 acres of land, on which said Mills are situated descended to his heirs at law & from remark subject to his widows dower therein, and this is all the real estate owned by said Joseph Thomas at his death;

Your Orator further states that by deed dated Feb the 11 1885 and herewith filed as a part of this bill Marked (A) the said Vincent Cormany wife and the said Mary E. Thomas conveyed to said Ezell Harber, all their undivided interest in said Mill property. And by a deed dated March the 20 1885. and herewith filed as a further part of this bill Marked (B) the said Elizabeth Thomas Ezell Harber wife Hiram Mink wife, and Joseph Ayers and Ellen his wife, conveyed to one Charles N. Morgan all their undivided interest in said Mill property; By this conveyance said Charles N

Morgan acquired the dower of the widow in said Mill property, one half of said Saw Mill from Ewell Huber, the two interest which the latter had purchased from Commonwealth, Mary E. Thomas, the interest therein which descended to the wife of said Huber, and the two interest which descended to said Mink wife, and Joseph Clyde's wife, so that said Morgan not only owns the dower, but also five eighths of said Grist Mill and lot; and five eighths of one undivided half of said Saw Mill." From this statement of facts your Honor will see that your Orators three wards own three undivided eighths, but of said Grist Mill and lot of land, and three eighths of one half of said Saw Mill, and should either or all of your Orators said wards die during without issue infancy, their respective interests in said property would descend and fall to their said Mother & Brother & Sisters in equal proportions.

Your Orator states that said Mill property is undivided and is of such a character that it cannot be partitioned and in its present condition is yielding nothing in the way of rents and profits

Your Orator is informed and believes that said Charles N. Morgan in the purchase of said property paid the adult partners forty dollars per share for each respective interest and he is informed and believes that said Morgan is willing to take your Orators three wards interest in said property at the price of forty dollars per share with interest thereon from April 1st 1885. And your Orator alleges, that his

said wards interest will be promoted by a sale thereof to them at said price but if mistaken in this. Thus your Orator alleges that his said wards interest will be promoted by a sale thereof, and to obtain a sale thereof by one or the other of these decrees is the object of this bill.

Your Orator states that Ewell Harber Nancy J. Harber, Vincent Gorsuch, Catherine Gorsuch are bona fide residents of the state of Virginia.

The premises considered your Orator prays that the said Charles Thomas, John Thomas, Allen Blackwell, Wm. Andrew Elizabeth Thomas, Ewell Harber & Nancy J. Harber, Vincent Gorsuch, Catherine Gorsuch, Hiram Mank, Artemisia Mank, Joseph Ayres, Ellen Ayres, Mary E. Thomas & Charles N. Morgan be made defendants to this bill and be required to answer the same fully on Oath. That order of publication be entered, published and posted against Ewell Harber & Nancy J. Harber, Vincent Gorsuch & Catherine Gorsuch. That a guardian ad litem be appointed for said Charles Thomas, John Thomas & Allen Blackwell to defend their interest in this cause, and upon a final hearing of the same a decree be entered awarding your Orators wards interest [illegible] to said Charles Thomas, John Thomas & Allen Blackwell [illegible] or that their said interests be decreed to be sold outright which ever way may be deemed best for said infants, and if in any case mistaken in this

[illegible] Morgan Creator [illegible]

[illegible] to the writ of [illegible] issued

[illegible] Henry J. Morgan [illegible]

[illegible] statements

[illegible] true as he

verily believes so help him God.

[illegible] Wickett

Subscribed & sworn to before me

by G. B. Burchett this 25th April 1886.

Henry J. Morgan Comr.

Q 9.30 7 P.
Atl 5.00
S 3.50
A 1.50
Dr. 5.00
Fees 4.94

G. B. Burchett

vs. } Bill

Dates Items etc.

1886 June Bill filed Sp.
Exd. D.N. against
home Defts & O.P.
ans & A.L. filed.
" July D.N. Confd & Contd
Aug. O.P. completed
and Cause set for hearing.
" Aug. Hearing & Contd
1888 Contd 1889 Contd
1890 Mar. Continued
" Sept. Hearing & Decree
Final

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County Virginia:

The Separate answer of Charles N. Morgan to a Bill filed against him & others in this Honorable court by G. B. Burchett guardian for Charles Thomas John Thomas, & Alice Chadwell wife of Wm. Chadwell infant heirs at law of Joseph Thomas dec'd.

Respondent says it is true that the Mill property in the plaintiffs Bill mentioned is the only real estate owned by Joseph Thomas at his death. and said property is correctly described It is also true that respondent is the owner by purchase of the dower of the widow in said Mill property, and it is also true that Joseph Thomas and Ewell Barber were the joint and equal owners of the saw Mill referred to, and that he purchased one half thereof from said Barber, and it is also true that he has purchased five eights of the other half of said saw Mill of the parties as stated in the Bill and it is also true that of the same parties he has purchased and is the owner of five eights of the grist Mill and lot of land on which the same is situated And it is also true that respondent in purchasing said property paid at the rate of forty dollars per share and no more, and it is also true that he is willing to take each of the infants interest at the same price with interest from April 1 1885.

And respondent states that there was an understanding between him and the adults at the time he purchased their interests that he was to have said infants interest

at the same price And but for such agreement & understanding Respondent would not have purchased the shares he now owns

And Respondent having now answered as fully as deemed necessary prays to be hence dismissed.

Charles N. Morgan

ads } Answer

G. B. Burchett Guardian

Filed Aug. 26th 1886

J. A. S. Hyatt c.

R. B. Burchett Guard. Complainant

versus

Charles Thomas & others Defendants } In Chy

To the Honorable John A. Kelly Judge of the circuit court for Lee County:-

The seperate answer of the infant defendants, Chas. John and ~~Eliza Thomas and~~ Alice Chadwell wife of Wm. Chadwell ~~Styers and her husband Jas. Styers~~ in the above styled cause, by J. A. Hyatt their Guardian ad litem, to a bill in Chancery filed against said defendants in this Honorable court. For answer this respondent can only say that if the allegations set out in said Bill are true, and he has no means of finding out whether or not the same are true, about of his own knowledge believing them to be correctly stated, has no reasons for objecting to the court asked for in said Bill with reference to said infants rights, and also believing his said wards interests would be promoted by such action, agrees to the same

But should he be in anywise mistaken in this, he is aware that Courts of Equity are the peculiar Guardians of Infants and knows the fact that in Your hands their rights will be carefully and legally guarded, and having now answered as fully as deemed expedient Yours respondent prays that his said wards be hence dismissed with their reasonable costs.

J. A. L. Hyatt Guar. ad litem

G. B. Burchett Esq.
Geo. G. F. L.
203
Charles Thornton

Filed July 30/1886
J. C. Hyatt Co

G. B. Burchett Guard. &c. Pltff.
vs. } In Chy.
Chas. Thomas & others. Defts.

This cause come on again to be finally heard upon the papers formerly read in the cause. And the report of Special Comr. H. J. Morgan filed in the cause during the present term, showing that he had conveyed by Deed with Covenants of Special warranty the infants undivided interest in the tract of land & mill situated thereon to James M. Wheeler and was argued by Counsel. And the said report and Deed submitted therewith beeing unexcepted to. On consideration whereof. it is adjudged. ordered and decreed be and the same are hereby confirmed, And the Clerk of this will deliver to the Clerk of the County Court of Lee County said Deed for recordation. And no further action beeing necessary the parties are hence dismissed and the cause stricken from the Docket.

G. D. Burchett Guard.

vs } Decree No 3 —
Final.

Chas. Thomas et al.

Ent. page 284 Ord Bk 3
J. A. G. Hyatt C.C.

Enter this
Sept. 3 1890.
R. A. Lyon

G B. Burchett Guard &c. Pltff

vs. } In Chy

Charles Thomas & others Defts

This cause came on this day to be further heard, on the papers heretofore read in the cause, and the report of Special Cont. H J Morgan dated and filed in the cause Aug. 22 1890 showing that the three infants in the cause had arrived to the age of 21 years and had been fully paid for their respective interest in the Mill property by B. N. Morgan and that he had sold said property to J M Wheeler, who was now entitled to a deed of conveyance for said Infants undivided interest in said Mill property. and was argued by counsel. And the said report being unexcepted to. On consideration whereof it is adjudged ordered and decreed that said report be confirmed And pursuant thereto it is further adjudged ordered and decreed that Henry J Morgan be appointed a Special cont. for the purpose and he is directed to convey by proper deed with covenants of Special warranty. Charles Thomas John Thomas and Mrs Alice Chadwells undivided interest in the Mill property to James M. Wheeler who will report his action to the court and until the coming in thereof the cause is continued

G. B. Burchett Guardian

vs. } Decree No. 2

Chas Thomas & others

Entered O.O.B. 13
page 277
J. D. Hyatt C.C.

Entered this
Sept 2 1890
[illegible]

G. B. Burchett Guardian &c. Pltff } In Chy.
vs.
Charles Thomas & others Defts

This cause came on this day to be heard on the bill of the plaintiff & exhibits thereunto taken for confessed by the adult defendants except C. N. Morgan who has filed his answer, the answer of the infant defendants by J. A. G. Hyatt their guardian ad litem, and the depositions of witnesses filed in the cause, and argued by counsel. On consideration of all which it appears to the court that the subject of the suit is not susceptible of a partition thereof, and that the interest of the infant defendants. Alice Chadwell wife of William Chadwell, Charles Thomas & John Thomas will be best subserved by awarding their undivided interest in the Mill property in the bill mentioned to the defendant C. N. Morgan at the price of forty dollars per share with interest thereon from April 1st 1885 It is therefore adjudged ordered and decreed that the undivided interest in said Mill property, of Alice Chadwell Charles Thomas & John Thomas be awarded to Charles N. Morgan who is willing to take the same at $40.00 per share with interest from April 1st 1885 And upon said C. N. Morgan executing bond with approved security for the purchase price thereof he will take and hold said interest free from the claim of said infants And A. J. Morgan is appointed a commissioner to take bond of said C. N. Morgan with security as herein provided payable to himself as comr. for the benefit of said infants & he will report

G B Burchett Executor

vs. } Decree No 1

Chas Thompson

Entered page 674

Enter
Aug. 27 1886
Jno. A. K.

his action to the Court with the cause is continued.

G B. Burchett Guardian &c. Pltff
vs. } In Chy
Charles Thomas &others Dfts

Mr John A G. Hyatt guardian ad litem for Alice Chadwell Charles Thomas & John Thomas infant defendents in the above styled suit

You will take notice that at the Store house of Tancy & Boles on the 23 day of Augt 1886. I will proceed to take the depositions of Wm R. Boles — — — — and John L. Rowland which when taken are intended to be read as evidence on the part of the plaintiff in the above styled suit, and at the taking thereof the annexed questions will be propounded to them.

Augt 13th 1886

G B Burchett Guardian &c.

1 Please state whether or not you are acquainted with the old Chadwell Mill property as it was before Chas. N Morgan commenced to repair and improve the same? How long have you known it? And how near do you live to it?

2 Please state what you think said Mill property was worth at the time C N. Morgan took possession thereof? & then state what would be a fair price for one share in the Mill site, grist Mill, & one share in one half of the saw Mill, with the credens down on said property?

3 Would forty dollars per share be a fair and fair

price for the same, or would that sum be inadequate

4 Is said property of such a character as to be susceptible of a partition thereof?

5 Would the interest of the infant defendants be promoted by a sale thereof, or would it be best for them to continue to own their interest therein.

6. If the interest of the infants in said property would be promoted by a sale thereof, which would be best for them, to sell the same outright publicly, or to award their interests therein to Charles N. Morgan at forty dollars per share?

7 Please state whether or not you have any interest either direct or indirect in the result of this suit?

8 Please state whether or not you are related to the plaintiff or the infant defts., and if so state what that relationship is?

I as the guardian ad litem for said infants accept legal service of the foregoing notice and agree that the deposition of said witnesses be taken on the foregoing interrogatories Given under my hand this 12th day of Sept 1886

J. A. S. Hyatt G. A. L.

The Deposition of Wm R. Boles and Jno. L. Rowland, taken at Vannoy & Boles' Stone Lee Co Va pursuant to notice on the 23rd day of August 1886 to be read as Evidence in the behalf of C. N. Moyan - in a certain suit in chancery now pending in the Circuit Court of Lee County Va in which said Moyan is the plaintiff and G. B. Burchett Guardian &c Defendants.

Wm R. Boles. a witness of lawful age after being first duly sworn deposes and says -

Ans 1st I was fully acquainted with said property, and have known it for 15 or 20 yrs. and have lived within 1 or 2 miles of it for 15 years.

Ans. 2d. I think that Seven hundred & ninety dollars would have been a fair price for said property, and that Forty Dollars would have been a fair price for one share thereof.

Ans. 3" I think Forty Dollars would have been a full & fair price for said property.

Ans. 4" It is not of such a character as to be susceptible of a partition

Ans. 5" I think their interest would be promoted by a sale of their interest.

Ans. 6" It would be best to award their interest Forty Dollars pr. share to L. T. Morgan, as no one would want their interest even at a smaller price

Ans. 7" I have no interest either direct or indirect in the result of this suit

Ans 8" I am neither related to plaintiff nor defendants.

John Rowland

This is to certify that W. R. Boles & Jno Rowland Personally Appeared before me J. C. Vanmoy a Justice in for Lee County Va and was duly Sworn to the above Statements to be true to the Best of their Belief Given under my hand this August the 23rd 1884 J. C. Vanmoy J. P.

Jno. L. Rowland a witness of lawful age after first being duly sworn deposes & says.

Ans 1" I was acquainted with said property and have known it for 15 or 20 years, and have lived within 2 miles of it for 30 years.

Ans. 2" I think ~~that~~ $7.98 cts would have been a fair price for said property, and that Forty Dollars would have been a fair price for one share thereof.

Ans. 3" Forty Dollars would have been a full and fair price, pr. share, thereof.

Ans 4" Said property is not of such a character as to be susceptible of a partition

Ans. 5" Their interest would be promoted by a sale of said property.

Ans. 6" It would be best to award the same to Chas. N. Morgan at $40 cts pr. share as no one else would buy their interest

even at a less price.

Ans. 7" I have no interest either direct or indirect in the result of this suit.

Ans. 8 I am not related to either plaintiff or defendants

W R Bass

Chas. R. Morgan
vs
Ashford
G. E. Blackett Recd & et

Filed Aug. 25/1886
J. H. Hyatt Clk

G B. Burchett Guardian &c. Pltff
vs. } In Chancery
Charles Thomas & others. Dfts

To the Hon H S K Morison Judge of the Circuit Court of Lee County Virginia;

No action in this cause has been had since the August Term of this court 1886. And since that time the three infants. Charles Thomas. John Thomas and Alice Chadwell wife of Wm Chadwell have arrived to the age of 21 years, and have been paid in full for their undivided interest in the Mill property in the Bill mentioned by the deft Chas N. Morgan And the said Charles N. Morgan has sold said Mill property to One James M. Wheeler who is now the owner thereof. And by virtue of this purchase the said Wheeler has become entitled to said Mill property and is entitled to a deed of conveyance for said Infants undivided interest in said property

Respectfully Submitted
Henry J Morgan Special Com.
Augt 22 1890

G. B. Burchett Guardn

vs. } Bond Refusal

Chas. Thomas et al

Filed Aug 22 1890

J. A. G. Hyatt c

G. B. Burchett Guard &c. Peff. } In Chy.

vs

Charles Thomas & others Defts }

To the Hon. H. S. K. Morrison Judge of the Circuit Court of Lee County.

As directed by your decree entered in this cause on the 2nd day of September 1890. I have made executed and acknowledged for record a Deed of Conveyance, by which I have conveyed to James M. Wheeler the undivided interest of Charles Thomas. John Thomas. William Chadwell and Alice Chadwell his wife. in and to the tract of land and the mill property thereon situated in the Bill & proceedings mentioned. with Covenants of Special warranty. which Deed is herewith submitted for your inspection.

Respectfully Submitted.

Henry J. Morgan Comr.

Sept 3rd 1898

G. B. Burchett Guard.

vs. } Comr. Report Deed

Chas. Thomas et al.

Filed Sept. the 3rd 1890

J. A. L. Hyatt C

This deed made this February 11th 1885 between Vincent P. Cormany & Elizabeth C. Cormany his wife of Hancock County Tennessee and Mary E. Thomas of Lee County Virginia of the first part and E. H. Harber of Lee County Virginia of the second part. Witnesseth that for the consideration of the sum of Eighty Dollars to them paid the receipt of which is hereby acknowledged the said parties of the first part do bargain and sele to the said E. H. Harber all their interest and claim in and to the lands of Joseph Thomas Deceased lying and being in the County of Lee and State of Virginia situated upon Indian Creek the same being Four Acres be the same more or less a lot on which a grist Mill and saw Mill now stands the said Elizabeth C. Cormany and Mary E. Thomas being heirs at law of the said Joseph Thomas Deceased. The Object of this Deed being to Convey two Shares or heirships in said piece or lot of land together with their interest in the Mills and all other improvements on said lot to the said E. H. Harber

and the said Vincent P. Cormany and Elizabeth C. his wife and Mary E. Thomas do covenant with the said E. H. Harber to warrant the title generaly to the above named Shares or heirships in said lot of land with all

the appertinances thereto belonging free from the claim of themselves their heirs and all other persons
Witness the following signatures and seals

Vincent P Cormany Seal
elisebeth c cormany Seal
Mary E Thomas (Seal)

Virginia Lee County to wit:

I William H. Speak a Notary public for the county aforesaid in the State of Virginia do certify that Vincent P. Cormany and Mary E. Thomas whose names are signed to the foregoing deed bearing date February 11th 1885 has acknowledged the same before me in my County aforesaid

I do further certify that Elizabeth C Cormany wife of Vincent P. Cormany whose names are signed to the foregoing deed bearing date as aforesaid personaly appeared before me in my County aforesaid and being examined by me privily and apart from her husband and having the writing aforesaid fully explained to her she the said Elizabeth C. Cormany acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it

Given under my hand this February 11th 1885

William H. Speak Notary public

Deed from
Vincent P. Cormany
and wife Elizabeth
Thomas to
E. H. Harber

Recorded Deed
Book 42 P. 156
J. R. Gibson Clk
(+)

J. 50
B. 725
$1.75

Virginia Lee County court clerk's office the 17 day of June 1886.

The foregoing deed bearing date February 11th 1886. between Vincent P. Cormany & Elizabeth C. his wife & Mary E. Thomas parties of the first part and E. H. Harber of Lee County Va. party of the second part, was this day admitted to record upon the certificate of William H. Speak a Notary Public for Lee County Virginia.

Teste John R. Gibson Clerk.

This deed Made this 20th day of March 1885. between Elizabeth Thomas widow of Joseph Thomas decd. and Ewell Harber and Nancy Jane Harber his wife, Hiram Mink and Arty M. Mink his wife, & Joseph Ayers and Ellen Ayers his wife heirs at law of said Joseph Thomas decd. of the first part, and Charles N Morgan of the second part all of the county of Lee State of Virginia: Witnesseth that in consideration of the sum of Six hundred & thirty - - - - - dollars in hand paid and secured to be paid the receipt of which is hereby acknowledged the parties of the first part do by these presents give grant bargain sell deliver release and convey unto the said Charles N Morgan his heirs and assigns all their right title & interest whether present or future, absolute or contingent present or hereafter to accrue in and to all that certain tract piece lot or parcel of land lying and being in said county of Lee in Chadwell station about 25 miles west of Jonesville and on Indian Creek known in the neighborhood as Chadwells Old Mill and which embraces about four acres of land on which is situated at present a corn & flour Mill, and a water saw-Mill; The said Elizabeth Thomas conveys her dower in said property. The said Ewell Harber & wife convey their own interest therein, and the two interests acquired by purchase by the said Ewell from Etta Thomas and Vincent Cormany & Catharine Cormany his wife The said Hiram Mink & wife conveys our share therein and the said Joseph Ayers & wife conveys our share therein.

To have and to hold said lot or parcel of land, said Miles and all other appurtenances thereunto belonging unto the said Charles N. Morgan and his heirs forever, and the parties of the first part covenant that they have a fee simple vested title thereto, that they have an estate of inheritance therein, that the same is not encumbered and that they will warrant generally the title to the same and they retain the vendors lien until the purchase money is paid

Witness the following signatures & seals

Elizabeth her X mark Thomas (Seal)

E H Web (Seal)

Nancy Jane Harler (Seal)

Hyram his X mark Munk (Seal)

Arty M Munk (Seal)

Joseph his X mark Ayers (Seal)

Ellen her X mark Ayres (Seal)

Virginia Lee County to wit:

We R E Crockett and J W. Woodward two Justices of the peace in and for the county and state aforesaid do certify that Elizabeth Thomas, Ewell Harler and Nancy Jane his wife, Hiram Munk and Arty M. his wife, and Joseph Ayers and Ellen his wife whose names are signed to the foregoing deed bearing date March the 20th 1885 each personally appeared before us in the county

aforesaid, and acknowledged said writing to be their act and deed. And Nancy Jane Harber wife of said Ewell, Arty M. Mink, wife of the said Hiram, and Ellen Ayers wife of the said Joseph, being examined by us severally and apart from their said husbands, and having the deed aforesaid fully explained to them, declared that they had willingly signed and executed the same and did not wish to retract it

Given under our hands & seals this 26 day of March 1885

R. E. Crockett J.P. (Seal)

John W. Woodward J.P. (Seal)

Virginia Lee County Court Clerk's office the 17th day of June 1885.

The foregoing deed bearing date March 20th 1885 between Elizabeth Thomas, Ewell Harber and Nancy his wife Hiram Mink and Arte M. his wife and Joseph Ayers and Ellen his wife parties of the first part and Charles N. Morgan party of the second part, all of Lee County Virginia, was this day admitted to record upon the certificate of R. E. Crockett and John W. Woodward two Justices of the peace for Lee County Va.

Teste John R. Gibson clerk

Charles N. Morgan

From } Deed

Elizabeth Thomas & others.

Recorded in Deed
Book No 21 P. 154-5-6.

J. R. Gibson Clk

(B.)

$ 1.00
6. 1.25
$2.25

June 17 1885

Virginia

At Rules held in the Clerk's office of the Circuit Court for Lee County on Monday the 3rd day of May 1886.

G. B. Burchett Guardian et al Plffs
against
Charles Thomas & others. Defts

In Chancery

The object of this suit is to ~~enforce~~ obtain ~~and have sale made of certain interest~~ a sale of the infant defendants interest in the Mill property in the Bill and proceedings mentioned. And it appearing from an affidavit filed in this Cause that the Defendants Ewell Harber, Nancy J. Harber, Vincent Carmony and Catharine Carmony and William Chadwell are non-residents of this State, it is therefore ordered that they appear here within one month after due publication of this order and do what may be necessary to protect their interest in this suit

A Copy

H. J. Morgan P.Q.

Teste J. A. G. Hyatt C.C.

G. B. Burchett

vs } Order Rule

Chas Thomas et al

I certify that I delivered to the The Virginia Herald for publication an office copy of this order on May 3rd 1886, and posted a like copy thereof at the front door of Lee C. H. at the May Term of the County Court.

J. A. Hyatt C.C.

G B Burchett Guard &c. Pltff

vs

Charles Thomas & others Defts

} In Eqty

I do swear that from my best information and belief, Ewell Harber Nancy J Harber Vincent Cormany and William Chadwell & Catharine Cormany, are not residents of the State of Va

So help me god

Henry J. Morgan

Sworn to before me the 30th day of April 1886.

J. A. S. Hyatt C.C.

G. B. Burchett Guard

vs. } Affd for Pub.

Charles Thomas & others

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon Charles Thomas, John Thomas, Alice Chadwell, William Chadwell, Elizabeth Thomas, Ewell Harber, Nancy J. Harber, Vincent Carmony, Catharine Carmony, Hiram Mink, Artamissa Mink, Joseph Ayers, Ellen Ayers, Mary E. Thomas and Charles N. Morgan,

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in June next, being Rule Day, to answer a Bill in Chancery exhibited in our said Court against them, by G. B. Burchett Guardian for Alice Chadwell, Charles Thomas and John Thomas

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 3rd day of May 1886, in the 110 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A COPY--TESTE:

7

E. J. M.

G. B. Burchett Guar &c

vs } Sp in Chcy

Charles Thomas et al

Ls June Rules 1886

Executed by delivering
office copies of this writ
to Elizabeth Thomas, Thomas
Minck & Artemissa Minck
Joseph Ayers & Ellen
Ayers, Mary E Thomas
& Chas. N. Morgan
May 17th 1886.

L. Heavrin Deputy
for R. D. Flanary S.L.C.

fe	1.88
S	3.50
	$5.38

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon Charles Thomas, John Thomas, Alice Chadwell, William Chadwell, Elizabeth Thomas, Ewell Harber, Nancy J. Harber, Vincent Carmony, Catharine Carmony, Hiram Mink, Artamissa Mink, Joseph Ayers, Ellen Ayers, Mary E. Thomas and Charles N. Morgan.

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in June next, being Rule Day, to answer a Bill in Chancery exhibited in our said Court against them, by G. B. Burchett Guardian for Alice Chadwell, Charles Thomas and John Thomas

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 3rd day of May 1886, in the 110 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A COPY—TESTE:

J. A. G. Hyatt

Hon

William Chadwell

Publisher's Certificate.

JONESVILLE, VA., July 12 1888.

I, Jed L. Duff, Publisher of the LEE COUNTY ~~SUN~~ Herald, a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed Chancery Order was published four successive weeks in said newspaper, publication ending July 12, 188 .

Jed L. Duff, Publisher.

VIRGINIA:—At rules held in the clerk's office of he Circuit court for Lee county on Monday the 3d day of May. 1888.

G. B. Burchett, Guar &c et al. Plffs.

vs.

Charles Thomas et al. Defts.

IN CHANCERY.

The object of this suit is to obtain a sale of the infant defendants interest in the Mill property, in the bill and proceedings mentioned. And it appearing from an affidavit filed in this cause that the Defendants Ewell Harber, Nancy J. Harber, Vincent Carmony and Catharine Carmony, William Chadwell are non-residents of this State, it is therefore ordered that they appear here within one month after due publication of this order and do what may be necessary to protect their interest in this suit.

A copy teste:

H. J. M., P. Q. J. A. G. Hyatt, C. C.

G. B. Burchett Guar.

vs } Pub. Certificate

Charles Thomas et al

Pub. fee $5.00